

TITLE LXII

CRIMINAL CODE

CHAPTER 627

JUSTIFICATION

Section 627:5

627:5 Physical Force in Law Enforcement. –

I. A law enforcement officer is justified in using non-deadly force upon another person when and to the extent that he reasonably believes it necessary to effect an arrest or detention or to prevent the escape from custody of an arrested or detained person, unless he knows that the arrest or detention is illegal, or to defend himself or a third person from what he reasonably believes to be the imminent use of non-deadly force encountered while attempting to effect such an arrest or detention or while seeking to prevent such an escape.

II. A law enforcement officer is justified in using deadly force only when he reasonably believes such force is necessary:

(a) To defend himself or a third person from what he reasonably believes is the imminent use of deadly force; or

(b) To effect an arrest or prevent the escape from custody of a person whom he reasonably believes:

(1) Has committed or is committing a felony involving the use of force or violence, is using a deadly weapon in attempting to escape, or otherwise indicates that he is likely to seriously endanger human life or inflict serious bodily injury unless apprehended without delay; and

(2) He had made reasonable efforts to advise the person that he is a law enforcement officer attempting to effect an arrest and has reasonable grounds to believe that the person is aware of these facts.

(c) Nothing in this paragraph constitutes justification for conduct by a law enforcement officer amounting to an offense against innocent persons whom he is not seeking to arrest or retain in custody.

III. A private person who has been directed by a law enforcement officer to assist him in effecting an arrest or preventing an escape from custody is justified in using:

(a) Non-deadly force when and to the extent that he reasonably believes such to be necessary to carry out the officer's direction, unless he believes the arrest is illegal; or

(b) Deadly force only when he reasonably believes such to be necessary to defend himself or a third person from what he reasonably believes to be the imminent use of deadly force, or when the law enforcement officer directs him to use deadly force and he believes such officer himself is authorized to use deadly force under the circumstances.

IV. A private person acting on his own is justified in using non-deadly force upon another when and to the extent that he reasonably believes it necessary to arrest or prevent the escape from custody of such other whom he reasonably believes to have committed a felony and who in fact has committed that felony: but he is justified in using deadly force for such purpose only when he reasonably believes it necessary to defend himself or a third person from what he reasonably believes to be the imminent use of deadly force.

V. A guard or law enforcement officer in a facility where persons are confined pursuant to an order of the court or as a result of an arrest is justified in using deadly force when he reasonably believes such force is necessary to prevent the escape of any person who is charged with, or convicted of, a felony, or who is committing the felony of escape from official custody as defined in RSA 642:6. The use of non-deadly force by such guards and officers is justified when and to the extent the person effecting the arrest believes it reasonably necessary to prevent any other escape from the facility.

VI. A reasonable belief that another has committed an offense means such belief in facts or circumstances which, if true, would in law constitute an offense by such person. If the facts and circumstances reasonably believed would not constitute an offense, an erroneous though reasonable belief that the law is otherwise does not make justifiable the use of force to make an arrest or prevent an escape.

VII. Use of force that is not justifiable under this section in effecting an arrest does not render illegal an arrest



A 11/15/2023 10:11

Government Violations of Civil Rights

People who work for the government hold substantial authority due to their position, but this authority is not unlimited. Government officials and employees generally cannot violate the civil rights of people who interact with them. Someone who has suffered a violation of their civil rights at the hands of a state or local government official can bring a Section 1983 claim. Section 1983 (42 U.S.C. **Section 1983**) is a federal law that allows citizens to sue in certain situations for violations of rights conferred by the U.S. Constitution or federal laws. Section 1983 only provides a right of access to state or federal courts, rather than any substantive rights.

A plaintiff who prevails in a Section 1983 claim may be awarded monetary damages, and a court also may issue an injunction. Damages may cover items such as medical bills to treat any injuries, lost wages caused by time missed from work, and any pain and suffering or emotional distress. Punitive damages may be awarded in especially extreme cases. An injunction is a court order that tells someone to do

Yes

According to 2 sources

Massachusetts has a little known provision available for those over 65 years old involved in a civil lawsuit: the right to a speedy trial. G.L. c. 231, § 59F provides:

415.1115 Civil actions involving elderly parties; speedy trial.— In a civil action in which a person over the age of 65 is a party, such party may move the court to advance the trial on the docket. The presiding judge, after consideration of the age and

Massachusetts's Right to a ...
sherwinlawfirm.com

Chapter 415 Section 1115 - ...
flsenate.gov

Feedback

PEOPLE ALSO ASK

Does a defendant have a right to a speedy trial?

A defendant in a criminal case has a right to a speedy trial under the Sixth Amendment to the U.S. Constitution. While the Constitution does not define a speedy trial, the federal Speedy Trial

How do courts evaluate speedy trial challenges?

Courts consider Sixth Amendment speedy trial challenges on a case-by-case basis, balancing the following factors: the reason for the delay (deliberate, negligent, tactical) whether

Can a ... trial?

Howeve during i defendt enforce Amendr

The Right to a Speedy Trial in a C...
www.justia.com/criminal/procedure/tri...

Your Sixth Amendment Right to...
www.alllaw.com/criminal-law/your-rig...

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www.leg.state.fl.us/statutes/index.cfm?App_mode=...

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Web Jul 15, 2023 · **415.1115 Civil actions involving elderly parties; speedy trial.**— In a civil action in which a person over the age of 65 is a party, such party may move the court to advance the trial on the docket. The presiding judge, after consideration of the age and ...

EXPLORE FURTHER

§ 415.1115 Speedy Trials for Elderly Medical Malpractice ...	floridamalpractice.com
Chapter 415 Section 1115 - 2022 Florida Statutes	m.flsenate.gov
Rule 3.191. Speedy Trial - Florida Rules of Civil Procedure	floridarules.net
Getting to Trial with Preference if a Party is Elderly	stimmel-law.com
Speedy trial rule amendments spark comments – The ...	floridabar.org

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LII / Legal Information Institute

https://www.law.cornell.edu/wex/speedy_trial

speedy trial | Wex | US Law | LII / Legal Information Institute

Web The right to a speedy trial is enshrined in the Sixth Amendment of the United States Constitution. The precise contours of this constitutional right were interpreted by the ...

Nolo

https://www.nolo.com/legal-encyclopedia/the-right-speedy-trial.html

The Right to a Speedy Trial | Nolo

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If a convicted defendant can establish a violation of the constitutional right to a speedy trial, the court must set aside the conviction, vacate the sentence, and dismiss the charging document. (United States v. Villarreal, 613 F.3d 1344 (11th Cir. 2010).) If the case hasn't yet gone to trial, the court must generally dismiss the charges.

Select Year:

The 2022 Florida Statutes (including 2022 Special Session A and 2023 Special Session B)

Title XXX
SOCIAL WELFARE

Chapter 415
ADULT PROTECTIVE SERVICES

[View Entire Chapter](#)

415.1115 Civil actions involving elderly parties; speedy trial.—In a civil action in which a person over the age of 65 is a party, such party may move the court to advance the trial on the docket. The presiding judge, after consideration of the age and health of the party, may advance the trial on the docket. The motion may be filed and served with the initial complaint or at any time thereafter.

History.—s. 1, ch. 91-251; s. 115, ch. 95-418.

Note.—Former s. 415.114.

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